

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed February 26, 2003. Applicant respectfully requests reconsideration and favorable action in this case.

Status of Claims

Claims 9, 27, 29 and 29-61 are pending in the application. Claims 9 and 36-46 were allowed by the Examiner, claims 27, 29-31 and 47-49 were rejected by the Examiner, and claims 32-35 and 50-61 were objected to by the Examiner. Claim 27 has been amended by the Applicant.

Rejections Under 35 U.S.C. § 112

The Examiner rejects claim 27 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner states that is not clear whether "the data payload" in line 7 refers to "a data payload" in line 2 or "a data payload" in line 4.

The Applicant has amended claim 27 so that line 7 now recites "the data payload of the data formatted according to the second protocol", which refers to "a data payload of the data formatted according to the second protocol" at line 4. The Applicant therefore believes the Examiner's rejection under 35 U.S.C. §112 has been overcome.

Rejections Under 35 U.S.C. § 102

Claims 27, 29-31 and 47-49 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,137,789 issued to Nishihara, et al. The Applicant respectfully traverses this rejection.

The Examiner states that Nishihara discloses a method including the steps of "verifying the integrity of the data payload of the data formatted according to the second protocol by CRC when the Ethernet packet is decapsulated by Interface 20 to get IP datagram" and "verifying the

integrity of the data payload of the data formatted according to the third protocol by CPCS trailer when the CLNP packet is encapsulated to get an AAL frame" (citing Fig. 2 and Col. 3, lines 14-65).

The Applicant respectfully points out that the cited portion of Nishihara does not teach verification of the integrity of a data payload through any means. Nishihara actually states:

"As illustrated in FIG. 3, each interworking unit 12 has a LAN interface unit 20 where an Ethernet packet from the associated LAN is decapsulated and an original IP datagram (see also FIG. 2) is extracted and supplied to a CLNIP (connectionless network interface protocol) packet encapsulation circuit 21. Encapsulation circuit 21 looks up the SA field of the IP datagram and determines from which LAN it has received the packet and inserts the connectionless address of the interworking unit into the source address (SA) field of a CLNIP packet header (FIG. 2)." (Col. 3, lines 30-39)

"The AAL encapsulation circuit 23 encapsulates the CLNIP packet between a CPCS (common part convergence sublayer) header and a CPCS trailer of the AAL layer to form a CPCS-PDU (protocol data unit) packet and presents to a cell segmentation circuit 24 for segmentation into ATM cells." (Col. 3, lines 60-65)

There is no mention in these passages, or the remainder of the language cited by the Examiner, of any verification of data integrity. Because Nishihara fails to teach or suggest verifying the integrity of any data payload (and any means for performing this verification), the Examiner's rejection of the claims under 35 U.S.C. §102(b) based upon this reference must fail. Accordingly, the Examiner's rejection is believed to have been overcome.

Allowable Subject Matter

The Examiner has stated Claims 9 and 36-46 are allowed. Claims 32-35 and 50-61 would be allowed if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. The Applicant respectfully points out that only claim 27 was rejected under 35 U.S.C. §112, and that claims 32-35 and 50-61 do not depend from claim 27. These claims instead depend from claim 31, which was rejected by the Examiner under 35 U.S.C. §102(b). The Applicant therefore understands claims 32-35 and 50-61 to be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. The

Applicant points out, however, that claim 31 is not anticipated under 35 U.S.C. §102(b), as explained above. Therefore, it is believed that claims 32-35 and 50-61, as well as the claims rejected under 35 U.S.C. §102(b) are allowable as written.

CONCLUSION

For at least the foregoing reasons, the Applicant submits that the Examiner's rejections of the pending claims have been overcome and that the claims are allowable. The Applicant therefore respectfully requests that the Examiner reconsider the rejections and allow the claims. If any extensions of time are necessary to prevent the above referenced application from becoming abandoned, the Applicant hereby petitions for such extensions. If any fees are inadvertently omitted, or if any additional fees are required, or if any amounts have been overpaid, please appropriately charge or credit those fees to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

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